



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

PFE ORIGINAL

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**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

APR 15 2014

Ron Stalnaker  
Stalnaker Energy Corporation  
P.O. Box 178  
220 West Main Street  
Glenville, WV 26351

**Re: SPCC case number: TBD-WV-2014-00004**

Dear Mr. Stalnaker:

The purpose of this letter is to determine whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112. You/your facility is hereby required to submit to the U.S. Environmental Protection Agency (EPA) the information requested herein within thirty (30) days of your receipt of this letter pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

1. Does your Facility store oil in the amount of 1,320 gallons or more above ground, (using a de minimus container size of 55 gallons), or store oil in excess of 42,000 gallons underground (excluding completely buried storage tanks subject to all the technical requirements of the Underground Storage Tank (UST) regulations [40 C.F.R. Parts 280 or 281])? Yes or No: \_\_\_\_\_

**If the answer to Question 1 is "No", answer Question 6 and 7 only, and return this document to EPA. If the answer is "Yes", on a separate sheet, answer Questions 2, 3, 4 and 5 and then continue filling in the blanks for the remaining questions.**

2. List the full names of all owners of the Facility, including persons and incorporated or unincorporated entities. Include the dates of ownership for each person/entity listed.



3. List the full names of all operators of the Facility, including persons, and incorporated or unincorporated entities. Include the dates of operation for each person/entity listed.
4. Identify the names and addresses of all partners of the Facility if any, or ever was, a partnership of any kind. Include the dates of the partnership(s).
5. Describe the corporate or business identity of the Facility (e.g., corporation, partnership, fictitious name, unincorporated division, etc.). If a corporation, identify state of incorporation and date. If a partnership, identify date of formation and partnership purpose.
6. Describe the causes for the tank overturns at your facility; include the date of each incident. Also, describe the procedures in place to prevent any future reoccurrence.

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7. List the type of oil and total storage capacities at the Facility for any oil related products. Describe the storage tanks at the Facility, (e.g., above ground, underground, etc.).

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8. Identify the date each oil storage tank was installed at the Facility.

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9. List oil-filled operational equipment and associated storage capacities (*see Enclosure 1 for definition*).

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10. List mobile refuelers or other tanker trucks capable of storing oil and associated capacities which are parked at the facility (*see Enclosure 1 for definition*).  


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11. List the date the Facility began operations. \_\_\_\_\_
12. Does your Facility have an SPCC Plan certified, signed by a Professional Engineer with an affixed seal and implemented in accordance with 40 C.F.R. Part 112.3(d)? **Or** an SPCC Plan self-certified by the Facility owner/operator in accordance with 40 CFR Part 112.6(a)? Yes or No: \_\_\_\_\_. **If the answer is "Yes", please submit a copy of the SPCC Plan.**
13. Describe the surface water body nearest to and provide the distance from the Facility.  
 Distance: \_\_\_\_\_
  - a. Is the water, as described above, a navigable waterway? (*See Enclosure 1 for definition.*) Yes or No: \_\_\_\_\_
  - b. Is the water a tributary of or physically connected to a navigable waterway? Yes or No: \_\_\_\_\_
  - c. If the answer to 13(b) is yes, describe or name the tributary(s) or describe the physical connections.  


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  - d. If the answer to 13(b) is no, does the water described above in Item 10 periodically connect with or flow into any hydrological or creek system? If yes, describe the flow and connection.  


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14. Has your Facility had a single discharge, as described in 40 CFR Part 112.1(b), greater than 1,000 gallons of oil in the past 12 months? Yes or No: \_\_\_\_\_
  - a. If yes, date of spill? \_\_\_\_\_
15. Has your Facility had two discharges, as described in 40 CFR Part 112.1(b), of more than 42 gallons of oil each within any 12 months? Yes or No: \_\_\_\_\_
  - a. If yes, dates of spills? \_\_\_\_\_



16. Please describe the procedures in place to prevent any discharges from reaching a navigable waterway.

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Please certify the above information in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (please print or type): \_\_\_\_\_

Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

If you/your facility fail to properly respond to this request, you/your facility may be subject to the following penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$37,500 per day of violation. In addition, pursuant to Section 309 (c)(1) of the Act, 33 U.S.C. § 1319(C)(1), any person who negligently violates Section 308 of the Act may be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Your response should be within **thirty (30) days** of your receipt of this letter to:


**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION III, ARLIN GALARZA-HERNANDEZ  
OIL AND PREVENTION BRANCH (3HS61)  
1650 ARCH STREET  
PHILADELPHIA, PA 19103-2029**

Enclosed for your review and information is a copy of the Oil Pollution Prevention Outreach Material CD, dated February 2012, as prepared by EPA, Region III. This CD includes applicable regulations; 40 C.F.R. Part 109, 40 C.F.R. Part 110, 40 C.F.R. Part 112, and 33 C.F.R. §§ 153.201, 153.203, 153.205; in addition to Region III's SPCC and Facility Response Plan (FRP) Information Guides. For the most recent information concerning the Oil Pollution Prevention Regulations, including the SPCC Guidance for Regional Inspectors, please consult the National EPA Oil Program website at: <http://www.epa.gov/oilspill>.

This information request is not subject to review by the Director of OMB pursuant to the requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

If you have any questions on this matter, you may call Arlín Galarza-Hernández, SPCC/FRP Inspector at (215) 814-3223.

Sincerely,

  
Alizabeth J. Olhasso, Acting Associate Division Director  
Office of Enforcement  
Hazardous Site Cleanup Division

Enclosures

cc: case file



## ENCLOSURE

### DEFINITIONS

**Discharge:** For purposes of Section 311 of the Act, a ***discharge*** to navigable waters or adjoining shorelines includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes certain discharges in compliance with a permit under Section 402 of the Act.

**Navigable Waters:** Navigable waters of the United States means "navigable waters" as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

**Mobile Refueler:** Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

**Oil-filled Operational Equipment:** Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.*, those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

